

### Remarks

In the Office Action, claims 95-124 were rejected under 35 U.S.C. § 112, first paragraph and further under § 112, second paragraph. Claims 95-124 are currently pending in the instant application.

#### **§ 112, ¶ 1 Rejections**

In the Office Action, claims 95-124 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. More specifically, it is asserted that there is no support in the specification for the limitation “said dispensing nozzles are substantially stationary” and thus the limitation is considered new matter. Applicants respectfully disagree.

It is respectfully submitted that there is sufficient support in the present application for the limitation “said dispensing nozzles are substantially stationary.” To satisfy the written description requirement, the specification must convey “with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed.” See M.P.E.P., § 2163.02. The present specification reasonably conveys that Applicants had possession of the invention. As noted in the Office Action, the present specification “states that movement of the delivery nozzles may be minimized or eliminated.” Applicants respectfully submit that those skilled in the art understand that the minimization or elimination of movement results in a substantially stationary object. To interpret the specification such that it does not support the “substantially stationary” limitation is unreasonable.

There is no requirement that the exact terminology “substantially stationary” be recited in the specification. That is, the invention need not be described in *ipsis verbis* in order to satisfy the description requirement. See *In re Luckach, Olson, and Spurlin*, 169 U.S.P.Q. 795, 796 (CCPA 1971). It is sufficient to satisfy the written description requirement if the “specification contains a statement of the appellant’s invention which is as broad as appellant’s broadest claims.” *In re Robbins*, 166 U.S.P.Q. 552, 555 (CCPA 1970). Given that the specification discloses liquid delivery along the fixed circular path of the rotor assembly and further discloses that the movement of the nozzles may be minimized or eliminated, the statements in the specification are at least as broad as the broadest pending claims.

Thus, Applicants respectfully submit that the specification as filed provides a legally sufficient written description for substantially stationary dispensing nozzles. Reconsideration and withdrawal of the rejections is respectfully requested.

#### **§ 112, ¶ 2 Rejections**

In the Office Action, claims 95-124 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. More specifically, it is asserted that it is unclear what Applicants intend by the phrase “substantially stationary.” Applicants respectfully disagree.

It is respectfully submitted that claims 95-124 particularly point out and distinctly claim the subject matter Applicants regard as their invention. To satisfy the requirement of definiteness, the claims

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must “set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity.” See M.P.E.P., § 2173.02. However, as the Examiner knows, definiteness is not analyzed in a vacuum. Instead, the test is “whether ‘those skilled in the art would understand what is claimed when the claim is read in light of the specification.’” *Id.* (citing *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986)). Claims 95-124 are definite in light of the claim and the specification. Claims 95-124 are directed to “substantially stationary” dispensing nozzles. Further, as discussed above, it is stated in the application that “movement of the delivery nozzles may be minimized or eliminated.” Thus, in light of the specification, it is clear that the claims set out with a reasonable degree of clarity and particularity that “substantially stationary” dispensing nozzles relates to nozzles exhibiting movement that is minimized or eliminated.

Further, it is respectfully submitted that the claims are definite even though the term “substantially stationary” is not used or defined in the specification. “[A] claim term that is not used or defined in the specification is not indefinite if the meaning of the claim term is discernable. As discussed above, the meaning of “substantially stationary” dispensing nozzles is discernable. That is, “substantially stationary” dispensing nozzles are nozzles exhibiting movement that is minimized or eliminated.

Thus, Applicants respectfully submit that the claims 95-124 particularly point out and distinctly claim “substantially stationary” dispensing nozzles. Reconsideration and withdrawal of the rejections is respectfully requested.

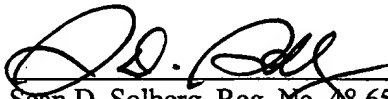
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**Conclusion**

Applicants respectfully submit that claims 95-124 are in condition for allowance.  
Reconsideration and a Notice of Allowance for all pending claims is respectfully requested.  
Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,  
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